

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division**

JOSEPH L. CARPENTER,

Plaintiff,

v.

MYSCHOOL.COM,

Defendant.

Case no. 1:15cv212-JFA

**DEFENDANT’S MEMORANDUM IN SUPPORT OF MOTION FOR LEAVE TO FILE  
UNDER SEAL AND/OR REDACTED DOCUMENTS FOR GOOD CAUSE**

Pursuant to Local Civil Rule 5, Defendant MYSCHOOL.COM (“Defendant”) respectfully moves for leave to file a redacted version of Defendant’s Memorandum in Support of Motion for Summary Judgment and Exhibits G-M thereto (collectively the “Summary Judgment Brief”). The Summary Judgment Brief includes specific references to exhibits designated by Plaintiff Joseph L. Carpenter as “Confidential” under the Protective Order Without Sealing Provisions (ECF No. 58), which permits a person producing any given Discovery Material to designate as Confidential material that “the Designating Party (i) would not normally reveal to third parties except in confidence or has undertaken with others to maintain in confidence, or (ii) believes in good faith is protected by a right to privacy under federal or state law or any other applicable privilege or right related to confidentiality or privacy.” *Id.* ¶ 5.

Pursuant to Local Civil Rule 5, Defendant provides the following additional legal support for its motion. This Court may seal a document if (1) parties are provided public notice of the request to seal to allow time for objection, (2) there is no less drastic alternative to sealing the

document, (3) the document contains confidential information not available to the public and the interest in preserving confidentiality outweighs the public's interest in access. *See Aschcraft v. Conoco, Inc.*, 218 F.3d 282, 288 (4th Cir. 2000); *U.S. ex rel. Carter v. Halliburton Co.*, 2011 WL 2077799, at \*2 (E.D. Va. 2011). By this motion, the public is provided notice of the request to seal and an opportunity to object to such request. Plaintiff has designated the entirety of the documents sought to be sealed as "Confidential". Therefore, Defendant does not believe any less drastic alternative is available. By his designation, Plaintiff has contended that the documents at issue "are normally unavailable to the public." *See U.S. ex rel. Carter*, 2011 WL 2077799 at \*3. Thus, "the public's interest in access is outweighed here by the parties' interest in preserving confidentiality." *Id.*

Accordingly, Defendant respectfully requests leave to file the Summary Judgment Brief under seal and redact confidential information from the public copy of the Summary Judgment Brief.

Dated: September 4, 2015 By: /s/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 4th day of September 2015, a copy of the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system, which will automatically send email notification of such filing to the following attorney of record for Plaintiff JOSEPH L. CARPENTER:

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